

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NUMBER 1:18-CV-932**

COVIL CORPORATION, by its Duly  
Appointed Receiver, PETER D.  
PROTOPAPAS,

*Plaintiff,*

v.

UNITED STATES FIDELITY AND  
GUARANTY COMPANY,

*Defendant.*

**JOINT STIPULATION  
OF DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Plaintiff Covil Corporation (“Covil”) and Defendant United States Fidelity and Guaranty Company (“USF&G”), by and through the undersigned counsel, hereby stipulate that Covil dismisses with prejudice its claims for relief against USF&G in the above-captioned action (such claims having initially been denominated as Crossclaims), and that USF&G dismisses with prejudice its remaining outstanding claim for relief against Covil and Ann Finch, as Executrix of the Estate of Franklin Delanor Finch (initially denominated as Count I of its Crossclaims).<sup>1</sup>

---

<sup>1</sup> On August 4, 2020, the Court ruled in favor of USF&G on Count II of its crossclaims (ECF No. 334) and dismissed without prejudice the declaratory relief sought in Counts III and IV to the extent unrelated to the underlying *Finch* action. That left only Count I as the remaining claim against Covil or Ann Finch that has yet to be adjudicated or otherwise dismissed. Justice Toal approved of the parties’ settlement agreement in *Finch* on August 27, 2021 and that order is now final given the absence of any appeals or objections. Accordingly, all other claims that the parties do not seek to have dismissed with prejudice, in particular those claims not arising from or relating to plaintiffs in the underlying *Finch* action or USF&G’s conduct in handling the underlying *Finch* action, remain dismissed without prejudice.

This 11th day of October, 2021.

/s/ Kenneth Kyre, Jr.

N.C. State Bar Number: 7848

Paul D. Coates

N.C. State Bar Number: 9753

Pinto Coates Kyre & Bowers, PLLC

3203 Brassfield Road

Greensboro, NC 27410

Telephone: (336) 282-8848

Fax: (336) 282-8409

[Email: kkyre@pckb-law.com](mailto:kkyre@pckb-law.com)

[Email: pcoates@pckb-law.com](mailto:pcoates@pckb-law.com)

Attorneys for Covil Corporation,

By and Through Its Duly-Appointed

Receiver, Peter D. Protopapas

Brady Edwards

Morgan, Lewis & Bockius LLP

1000 Louisiana St., Suite 4000

Houston, TX 77002-5006

Telephone: 713-890-5110

[Email: brady.edwards@morganlewis.com](mailto:brady.edwards@morganlewis.com)

Attorney for Covil Corporation,

By and Through Its Duly-Appointed

Receiver, Peter D. Protopapas

/s/ Andrew T. Frankel (specially appearing)

Mary Beth Forshaw (specially appearing)

Alan C. Turner (specially appearing)

Simpson Thacher & Bartlett LLP

425 Lexington Avenue

New York, NY 10017

Telephone: (212) 455-2000

[Email: afrankel@stblaw.com](mailto:afrankel@stblaw.com)

[Email: mforshaw@stblaw.com](mailto:mforshaw@stblaw.com)

[Email: aturner@stblaw.com](mailto:aturner@stblaw.com)

Attorneys for Defendant USF&G

Reid C. Adams, Jr.  
N.C. State Bar Number: 9669  
Jonathan R. Reich  
N.C. State Bar Number: 41546  
Womble Bond Dickinson (US)  
LLP One West 4th Street  
Winston-Salem, NC 27101  
Telephone: (336) 721-3674  
Fax: (336) 721-3660  
[Email: cal.adams@wbd-us.com](mailto:cal.adams@wbd-us.com)  
[Email: jonathan.reich@wbd-us.com](mailto:jonathan.reich@wbd-us.com)  
Attorneys for Defendant USF&G

**CERTIFICATE OF SERVICE**

I hereby certify that on October 11, 2021, I electronically filed the foregoing Joint Stipulation of Dismissal with Prejudice using the ECF system, and notification of such filing (which constitutes service of this document) will be sent electronically by the ECF system to counsel of record in this case who have registered with that system.

This 11<sup>th</sup> day of October, 2021.

/s/ Brady Edwards  
Brady Edwards